

COMMISSIONERS
JEFF HATCH-MILLER - Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

OPEN MEETING ITEM
ORIGINAL



ARIZONA CORPORATION COMMISSION



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Executive Director

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2006 MAY 11 P 2:34

AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: May 11, 2006

DOCKET NO.: T-20444A-06-0128

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Amy Bjelland. The recommendation has been filed in the form of an Order on:

EMPIRE PAYPHONES, INC. aka EPI

(CC&N/COPT)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

MAY 22, 2006

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 31 AND JUNE 1, 2006

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

A handwritten signature in black ink, appearing to read "Brian C. McNeil".
BRIAN C. McNEIL
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 JEFF HATCH-MILLER, Chairman
4 WILLIAM A. MUNDELL
5 MARC SPITZER
6 MIKE GLEASON
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF
9 EMPIRE PAYPHONES, INC. a/k/ EPI FOR A
10 CERTIFICATE OF CONVENIENCE AND
11 NECESSITY TO PROVIDE CUSTOMER-OWNED
12 PAY TELEPHONE SERVICE IN THE STATE OF
13 ARIZONA.

DOCKET NO. T-20444A-06-0128

DECISION NO. _____

ORDER

14 Open Meeting
15 May 31 and June 1, 2006
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. On March 3, 2006, Empire Payphones, Inc. a/k/a EPI ("Applicant") filed with the
22 Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide
23 customer-owned pay telephone ("COPT") service in the State of Arizona.

24 2. On March 10, 2006, the Utilities Division ("Staff") issued a Letter of Insufficiency
25 and First Set of Data Requests to Applicant.

26 3. On March 31, 2006, Applicant filed its responses to Staff's Data Requests.

27 4. On May 1, 2006, Staff filed a Staff Report recommending approval of the application.

28 5. In Decision No. 55817 (December 10, 1987), the Commission found that COPT
providers were public service corporations subject to the jurisdiction of the Commission.

6. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901
through R14-2-909 to regulate COPT providers.

7. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes
rates and minimum service standards applicable to COPT service.

8. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

9. Applicant has requested that a Certificate be granted and has indicated that it will provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

10. Staff stated that the Applicant has provided a copy of its customer information placard in compliance with the Generic Tariff.

11. Staff also stated that certain benefits accrue to the public in the form of increased pay telephone availability and that issuance of a Certificate is in the public interest.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The provision of COPT service in Arizona by Applicant is in the public interest.

4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service in Arizona.

5. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the Application of Empire Payphones, Inc. a/k/a EPI for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN		COMMISSIONER	
COMMISSIONER		COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2006.

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

AB:mj

SERVICE LIST FOR:

EMPIRE PAYPHONES, INC. a/k/a EPI

DOCKET NO:

T-020444A-06-0128

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